

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Number : 10/668,086 Confirmation No. 1266
Applicant : Ki Mun KIM et al.
Filed : September 22, 2003
Tech Cntr/AU : 2444
Examiner : Umar Cheema
Entitled : METHOD FOR PROVIDING THE LOCATION
INFORMATION ON A MOBILE STATION BASED ON DBM
AND TCP/IP

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is submitted in reply to the Final Office Action mailed June 18, 2009.

Applicant respectfully requests review of the final rejections of claims 1-30 as manifested in the Final Office Action. No amendments are being filed with this request.

This request is being filed with a Notice of Appeal in compliance with *37 CFR 41.31* and the fee set forth in *37 CFR 41.20(b)(1)*.

The review is requested for the reasons stated on the attached sheets.

REASONS

The following clear errors are found in the Examiner's rejections of claims 1-30.

The rejection of independent claim 1 as obvious under 35 U.S.C. 103(a) over Meadows et al. (US 6,716,101) in view of Lim et al. (US 6,259,923), and further in view of Sheynblat et al. (US 6,677,894) is clearly erroneous, because the asserted combination of references fails to teach or disclose each and every element of the rejected claim.

Claim 1 recites, *inter alia*, a method for providing the location information of a mobile station (MS) that includes a position determining equipment (PDE) and a client server wherein the MS communicates location information with the PDE via a TCP/IP network using a TCP/IP-based method wherein the client server transmits a PDE URL to the MS. The Examiner's reliance on the disclosure of Meadows, more specifically, the disclosure at column 2, lines 1-15, and column 5, lines 36-45, to disclose this feature, appears to us to be misplaced.

Meadows relates to a system for monitoring the geographical location of a subscriber's cellular telephone, and providing the location information to an authorized user through the World Wide Web (*see* Abstract of Meadows). Applicants respectfully submit that Meadows appears to suggest wherein the subscriber's cellular telephone communicates location information only via Short Message Service (SMS). At the cited disclosure, Meadows only suggest that viewing a URL of a monitoring website using the Internet is performed by a user wishing to monitor the location of a mobile subscriber. Nowhere does Meadows suggest wherein the mobile subscriber's cellular telephone communicates with the network based location system using TCP/IP, as recited in claim 1.

Lin fails to remedy the deficiencies of Meadows. Although Lin discloses a TCP/IP connection between server CLC 101 and short message service center (SMSC) 102, Lin likewise appears to only suggest using SMS between mobile subscriber MS

104 and SMSC 102. Nowhere does the asserted combination of references disclose a TCP/IP connection between the MS and a PDE, as recited in claim 1.

Furthermore, at column 2, lines 1-15, Meadows appears to only disclose a method and system that provides location information of a mobile cellular telephone to an authorized user through the World Wide Web, wherein the geographic location is stored in a database and the database is updated to track the movements of the cellular telephone. Nowhere at the cited text does the cited text explicitly state that a URL is transmitted to MS 104. Indeed, because the mobile subscriber of Meadows does not set up a TCP/IP connection, there is no need for the SMSC 102 of meadows to transmit a URL to MS 104.

Still further, in paragraph 11 of the Office Action, the Examiner alleges that Meadows, at column 5, lines 36-45, disclose sending a URL to the MS. Applicants respectfully disagree and submit that the cited text appears to only disclose wherein a user of the monitoring system enters a URL to access the monitoring website. Nowhere in this passage does Meadows suggest sending a URL to the MS.

Furthermore, Sheynblat likewise appears to only disclose transmitting location information over SMS and therefore fails to remedy the deficiencies of Meadows and Lin. Accordingly, Applicants respectfully submit that the asserted combination of references fails to disclose either a TCP/IP between the MS and the PDE, or transmitting a URL from a client server to the MS, as recited in claim 1.

Independent claim 16 is a method claim similar to claim 1 in that it recites transmitting a URL from a client server to a MS and transmitting location information between the MS and the PDE via TCP/IP.

As disclosed in the specification by the Applicants, TCP/IP allows for faster transmission of location information than via SMS that, because of the limitation of short message length, requires multiple messages, and therefore more time to transmit the location information.

Applicants respectfully submit that independent claims 1 and 16 are patentable at least due to the failure of the applied art to disclose, teach or motivate all recited features of the claims, and more specifically the asserted combination of Meadows, Lim, and Sheynblat fails to transmitting a URL from a client server to a mobile subscriber and transmitting location information between the mobile subscriber and the PDE via TCP/IP.

Claims 2-15 and 17-30 depend from independent claims 1 and 16, and are likewise patentable over the asserted combination of references for at least their dependence on an allowable base claim, as well as for the additional features they recite. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

Withdrawal of the final rejections of claims 1-30 in view of the above is believed appropriate and therefore respectfully requested.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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